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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and for the Estate of
Bernard L. Madoff,

Plaintiff,

v.

BERT MARGOLIES TRUST; LAURIE ANN
MARGOLIES CHILDREN'S TRUST DTD 11/1/08;
LAURIE ANN MARGOLIES, individually and in
her, capacity as Trustee for the Bert Margolies Trust
and the Laurie Ann Margolies Children's Trust dtd
11/1/08; and FERNANDO C. COLON-OSORIO,

Defendants.

Adv. Pro. No. 10-04859 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and (i) Bert Margolies Trust; (ii) Laurie Ann Margolies Children’s Trust dtd 11/1/08; (iii) Laurie Ann Margolies, individually and in her, capacity as Trustee for the Bert Margolies Trust and the Laurie Ann Margolies Children’s Trust dtd 11/1/08; (iv) and Fernando C. Colon-Osorio, Ph.D. (“Defendants” and collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants and Nancy Dver Cohen, in her capacity as Trustee for the Bert Margolies Trust.
2. On September 18, 2015, Defendants and Nancy Dver Cohen filed an Answer to the Complaint.
3. On December 23, 2016, a Stipulation was entered dismissing Nancy Dver Cohen.
4. On October 24, 2017, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

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New York, New York
October 27, 2017

By: /s/ Nicholas J. Cremona

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LLC and the Estate of Bernard L. Madoff*

Pro Se Defendants

Bert Margolies Trust

By: /s/ Laurie Ann Margolies

Laurie Ann Margolies, Trustee

Laurie Ann Margolies Trust

By: /s/ Laurie Ann Margolies

Laurie Ann Margolies, Trustee

Laurie Ann Margolies

/s/ Laurie Ann Margolies

Fernando C. Colon-Osorio, Ph.D.

/s/ Fernando C. Colon-Osorio

SO ORDERED

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE

Dated: October 27th, 2017

New York, New York